

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1245-01
Bill No.: HB 434
Subject: Courts; Judges
Type: Original
Date: February 18, 2013

Bill Summary: This proposal provides the Supreme Court with the ability to transfer circuit and associate judge positions from one circuit to another.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	(\$105,000)	(\$55,000)	(\$5,000)
Total Estimated Net Effect on General Revenue Fund	(\$105,000)	(\$55,000)	(\$5,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☒ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator (CTS)** state the proposal would provide the Supreme Court with the ability to transfer circuit and associate judge positions from one circuit to another provided there is a vacancy as a result of death, retirement, resignation, removal, impeachment, or failure to be retained of a circuit or associate circuit judge. It should be noted that “vacancy” shall not mean failure to win a partisan election. CTS assumes the proposal would require the use of an additional Program Specialist III FTE (at \$50,088 per year, plus fringes).

CTS states the legislation also includes a judicial workload study as part of its criteria in determining judicial transfers. A judicial workload study would cost approximately \$150,000 as well as meeting costs of approximately \$5,000 to evaluate possible transfers.

In summary, CTS assumes a cost to the General Revenue Fund of \$174,703 in FY 2014, \$136,373 in FY 2015 and \$84,711 in FY 2016.

Oversight assumes that there will be few permanent transfers of judicial positions made by the Supreme Court and that CTS will not require an additional FTE to implement the various aspects of this proposal. Therefore, Oversight has not included the additional person in the fiscal note estimates.

Officials from the counties of **Laclede, Pettis, Pulaski, Scott, St. Francois, and Warren** did not respond to our request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
GENERAL REVENUE			
<u>Costs - CTS</u>			
Contracted judicial workload study	(\$100,000)	(\$50,000)	\$0
Travel for the committee	<u>(\$5,000)</u>	<u>(\$5,000)</u>	<u>(\$5,000)</u>
<u>Total Costs - CTS</u>	<u>(\$105,000)</u>	<u>(\$55,000)</u>	<u>(\$5,000)</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>(\$105,000)</u>	<u>(\$55,000)</u>	<u>(\$5,000)</u>

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FISCAL IMPACT - Local Government

FY 2014
(10 Mo.)

FY 2015

FY 2016

\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This proposal provides the Missouri Supreme Court with the ability to transfer circuit and associate judge positions from one circuit to another as the administration of justice requires. The Supreme Court may transfer a judicial position only when a vacancy occurs, and must consider certain criteria before determining whether to transfer the position to a new circuit. Under this act the Supreme Court will not be able to alter the existing total number of circuit and associate circuit judge positions.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator

Not Responding:

Counties of: Laclede, Pettis, Pulaski, Scott, St. Francois, and Warren



Ross Strope

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